## Remarks

Claims 1-29 remain in the application. Claims 1, 2, 18, and 29 are hereby amended. No new matter is being added.

*Claim Rejections -- 35 U.S.C. 103*

Bussierre in view of See

Original claims 1, 2, 4-9, 11, 18-22 and 29 were rejected under 35 U.S.C. 103 as being unpatentable over Bussiere in view of See. Applicants respectfully traverse this rejection in relation to the claims as hereby amended.

Claims 1, 2, 4-9 and 11

Amended claim 1 recites as follows.

1. A method for remote mirroring of network traffic **between a first network layer 2 domain and a second network layer 2 domain**, the method comprising:

receiving by an entry device a data packet to be **remotely mirrored from the first network layer 2 domain**, wherein the entry device is pre-configured with a destination Internet Protocol (IP) address to which to mirror the data packet, and **the destination IP address is associated with a remote exit device in the second network layer 2 domain**;

generating and adding an IP header to IP encapsulate the data packet, wherein the IP header includes the destination IP address; and

forwarding the IP-encapsulated packet to an exit device associated with the destination IP address.

(Emphasis added.)

As shown above, the claimed invention pertains to a method for remote mirroring of network traffic **between a first network layer 2 domain and a second network layer 2 domain**.

Regarding the Bussiere reference, applicants respectfully submit that port mirroring disclosed in Bussiere cannot be used to mirror packets between two network layer 2 domains. This is because Bussiere teaches prepending a MAC header to the data packet to be mirrored. Therefore, Bussiere is limited to mirroring within a single network layer 2 domain. For example, the network shown in FIG. 1 of Bussiere comprises a single domain where "any user can share resources available to any other user in the network." (Bussiere, column 1, lines 46-49.) **In order to overcome the prior limitation to mirroring within a single network layer 2 domain, the claimed invention teaches the innovative technique of using an IP header for encapsulation.** This innovative technique is neither disclosed in or suggested by the Bussiere reference. Advantageously, such IP encapsulation overcomes prior limitations of mirroring systems, such as, the limitation to a single network layer 2 domain, for example.

Regarding the See reference, applicants respectfully submit the attached Declaration under 37 CFR 1.131, along with copies of a PowerPoint presentation (Exhibit A, dated January 23, 2002), an internal proposal (Exhibit B, dated October 1, 2002), and a written invention disclosure (Exhibit C, dated March 24, 2003). Based on Exhibit A, applicants respectfully submit that invention of the claimed subject matter is established at least to January 23, 2002 which is prior to the earliest effective date of the See reference. The See reference was filed on June 18, 2003 and claims the benefit of a provisional application filed on June 27, 2002. Diligence until filing is supported by Exhibits B and C.

Therefore, applicants respectfully submit that this rejection is now overcome with respect to claim 1.

Claims 2, 4-9 and 11 depend from claim 1. Hence, applicants respectfully submit that these claims now also overcome this rejection for at least the same reasons discussed above in relation to claim 1.

Claims 18-22

Similar to method claim 1, claim 18 pertains to a network device for remote mirroring of network traffic to a remote exit device **in a different network layer 2 domain**. Therefore, applicants respectfully submit that claim 18 now also overcomes this rejection for at least the same reasons discussed above in relation to claim 1.

Claims 19-22 depend from claim 18. Hence, applicants respectfully submit that these claims now also overcome this rejection for at least the same reasons discussed above in relation to claim 18.

Claim 29

Amended claim 29 recites as follows.

29. An apparatus for remote mirroring of network traffic between a local network layer 2 domain and a remote network layer 2 domain, the apparatus comprising:

an entry device configured to receive **from the local network layer 2 domain** a data packet to be remotely mirrored **to a remote exit device in the remote network layer 2 domain**;

a configuration file in the entry device, where the configuration file stores a destination Internet Protocol (IP) address to which to mirror the data packet;

a remote mirroring engine for generating and adding an IP header to IP encapsulate the data packet, wherein the IP header includes the destination IP address, **for reducing size of the data packet to accommodate the added IP header**, and for having the IP-encapsulated packet forwarded towards a remote exit device associated with the destination IP address.

Similar to method claim 1, claim 29 pertains to an apparatus for remote mirroring of network traffic **between a local network layer 2 domain and a remote network layer 2 domain**. Therefore, applicants respectfully submit that

claim 29 now also overcomes this rejection for at least the same reasons discussed above in relation to claim 1.

In addition, claim 29 now further recites that the remote mirror engine **reduces size of the data packet to accommodate the added IP header**. As described in the application, although this feature may have the drawback of not mirroring identical packets, this feature has the advantage of enabling the remote mirroring traffic to transverse across packet-size limited networks.

As indicated in the office action, neither Bussiere nor See disclose or suggest this feature of reducing size of the data packet to accommodate the added IP header.

Regarding Staheli et al, the Examiner cites column 3, lines 3-9 of Staheli et al. This citation states as follows.

> In addition, hours or days may be needed to restore data from the backup tapes onto hard drives or other immediately useable media. The computer network's performance may be reduced while data is being restored. Indeed, in some instances it is necessary to deny all other users access to the network while data is being restored, in order to ensure the integrity of the data after the restoration.

However, applicants respectfully submit that **the above citation to Staheli et al merely discloses reducing a network's performance, <u>not</u> reducing a packet size**.

Therefore, applicants respectfully submit that this feature of reducing size of the data packet to accommodate the added IP header is an additional reason why amended claim 29 overcomes the present rejection.

<u>Bussierre in view of See further in view of Chari et al</u>

Original claim 3 was rejected under 35 U.S.C. 103 as being unpatentable over Bussiere in view of See further in view of Chari et al. Applicants respectfully traverse this rejection in relation to dependent claim 3.

Claim 3 depends from claim 1. Hence, applicants respectfully submit that claim 3 now also overcomes this rejection for at least the same reasons discussed above in relation to claim 1.

Bussierre in view of See further in view of Howes

Original claim 10 was rejected under 35 U.S.C. 103 as being unpatentable over Bussiere in view of See further in view of Howes et al. Applicants respectfully traverse this rejection in relation to dependent claim 10.

Claim 10 depends from claim 1. Hence, applicants respectfully submit that claim 10 now also overcomes this rejection for at least the same reasons discussed above in relation to claim 1.

Bussierre in view of See further in view of Haverinen et al

Original claims 12 and 23 were rejected under 35 U.S.C. 103 as being unpatentable over Bussiere in view of See further in view of Haverinen et al. Applicants respectfully traverse this rejection in relation to dependent claims 12 and 23.

Claim 12 depends from claim 1. Hence, applicants respectfully submit that claim 12 now also overcomes this rejection for at least the same reasons discussed above in relation to claim 1.

Claim 23 depends from claim 18. Hence, applicants respectfully submit that claim 23 now also overcomes this rejection for at least the same reasons discussed above in relation to claim 18.

Bussierre in view of See further in view of Mullendore et al

Original claims 13-14 and 24-25 were rejected under 35 U.S.C. 103 as being unpatentable over Bussiere in view of See further in view of Mullendore et al. Applicants respectfully traverse this rejection in relation to dependent claims 13-14 and 24-25.

Claims 13-14 depend from claim 1. Hence, applicants respectfully submit that claims 13-14 now also overcome this rejection for at least the same reasons discussed above in relation to claim 1.

Claims 24-25 depend from claim 18. Hence, applicants respectfully submit that claims 24-25 now also overcome this rejection for at least the same reasons discussed above in relation to claim 18.

Bussierre in view of See further in view of Staheli et al

Original claims 15-17 and 26-28 were rejected under 35 U.S.C. 103 as being unpatentable over Bussiere in view of See further in view of Staheli et al. Applicants respectfully traverse this rejection in relation to dependent claims 15-17 and 26-28.

Claims 15-17 depend from claim 1. Hence, applicants respectfully submit that claims 15-17 now also overcome this rejection for at least the same reasons discussed above in relation to claim 1.

Claims 26-28 depend from claim 18. Hence, applicants respectfully submit that claims 26-28 now also overcome this rejection for at least the same reasons discussed above in relation to claim 18.

Further regarding claims 15 and 26, as indicated in the office action, neither Bussiere nor See disclose or suggest the features of "truncating the data packet to reduce a size of the IP-encapsulated packet prior to forwarding thereof" (claims 15 and 26). Hence, the Examiner cites column 3, lines 3-9 of Staheli et al. in relation to 15 and 26. This citation to Staheli et al states as follows.

> In addition, hours or days may be needed to restore data from the backup tapes onto hard drives or other immediately useable media. The computer network's performance may be reduced while data is being restored. Indeed, in some instances it is necessary to deny all other users access to the network while data is being restored, in order to ensure the integrity of the data after the restoration.

However, applicants respectfully submit that **the above citation to Staheli et al merely discloses reducing a network's performance, not reducing a packet size**. Therefore, applicants respectfully submit that the rejections of claims 15 and 26 are also overcome for this additional reason.

## Conclusion

For the above-discussed reasons, applicant believes that the pending claims, as amended, now overcome the rejections of the latest office action. Favorable action is respectfully requested.

If for any reason an insufficient fee has been paid, the Commissioner is hereby authorized to charge the insufficiency to Deposit Account No. 08-2025 (Hewlett Packard).

Respectfully Submitted,

Dated: August 6, 2007

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